EASTERN ARCTIC STUDY
CASE STUDY SERIES:
MINERAL EXPLORATION IN THE BAKER LAKE AREA

by

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EASTERN ARCTIC STUDY
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FOREWORD

The Eastern Arctic Study is a joint project of the Institute of Local Government and the Centre for Resource Studies, both at Queen's University in Kingston. Funding for the study has been provided by the Donner Canadian Foundation.

This paper is one of a series of case studies that has been prepared as background material for the Eastern Arctic Study, and which will be used to develop scenarios for possible future developments in constitutional change, land claims settlements, local government, and the regulation of mineral development within the claim area of the Inuit Tapirisat of Canada. The opinions expressed are those of the author, and do not necessarily represent the views of the Donner Foundation, or of the Institute of Local Government or the Centre for Resource Studies or their sponsors.

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SUMMARY

This case study deals with the interaction of industry/community and other governments in the Baker Lake area from approximately 1970 to the present. Considerable national attention was focused on this area in the late 1970s when the community of Baker Lake was involved in a major court action that tested the issue of aboriginal rights. The impetus for this action, however, emerged from the interaction of mineral exploration companies, government and community over a period of ten years. This paper concentrates on the events preceding and following the court action rather than on the case itself.

Since the late 1960s the vicinity of Baker Lake has experienced massive waves of exploration for uranium. Considerable controversy has been generated with respect to the effect of exploration activities on traditional pursuits such as hunting, fishing and trapping. During the 1970s the community of Baker Lake sought through a number of means to halt exploration activity. It eventually succeeded in obtaining a land freeze in 1977 and a temporary injunction in 1978. This injunction was lifted in late 1979 and exploration activity has continued. This case relates and assesses industry/community/other government relations during this time.

The case study discusses a number of issues arising from the chronology of events: the nature and implications of exploration activities versus actual development; the history and effects upon interested parties of the land use regulatory regime in the Keewatin; the evolution and articulation of community concerns; the development of methods for exerting community influence; and the influence of land claims and related issues.

A central theme running through the Baker Lake case study is the absence of a formal and productive consultation process amongst the three parties: industry, government and community. The case points out the failure of the regulatory regime to provide constructive mechanisms for consultation and for conflict-resolution amongst the divergent parties interested in and affected by exploration activities. Also raised by the case study is the specific question of the role of senior levels of government, most particularly the federal government, in mediating the interests of industry and communities.

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1. INTRODUCTION

The overall objective of the Eastern Arctic Study is to examine the implications of constitutional development and of native land claims for local government and for industrial development in one particular land claim area, that of Inuit Tapirisat of Canda (ITC). An integral part of Eastern Arctic Study research is the undertaking of a series of case studies. The basic purpose of these is to examine specific instances of past industry/community/and other government interaction concerning industrial development.

Three types of case studies have been prepared. The first type, and likely the most important for the purposes of the Eastern Arctic Study, are studies of specific examples of interaction occurring within ITC's claim area. The second deals with interaction between companies, communities and other levels of government within the Northwest Territories but outside the ITC claim area. For example, the existence and potential importance of the COPE claim as a determinant of interaction between industry, local governments, and other levels of government is recognized as being in a separate category, although COPE is also formally a constituent part of ITC. The final group of case studies concerns the industrial development regime established in jurisdictions which have already settled native land claims. By studying existing claim settlements, even in different political jurisdictions, it may be possible to identify the strengths and weaknesses of particular approaches to industry/community/government interaction. Accordingly, the James Bay settlement in Quebec (both the Inuit and Cree settlements) and the settlement between the native peoples of Alaska and the United States and Alaskan State governments are examined. These two cases are being treated as supplementary ones, designed to provide an overview of the particular claims settlement involved and the apparent strengths and weaknesses of the industrial development process emanating from each.

Four possibilities were considered when selecting cases for study within the ITC claim area and elsewhere within the Northwest Territories. These were:

1. cases involving communities with a long history of industrial development activity;
2. cases involving communities with a recent (i.e. only one major involvement) history of industrial activity;
3. cases involving communities with a long history of industrial development but which have also experienced a pull-out by industry; and
4. cases involving communities where industrial development activity is anticipated in the near future.

Other factors entered into the selection process. For example, it was thought to be worthwhile to investigate any differences between the interaction of oil and/or gas companies with northern communities and other governments as compared with those firms involved in hard rock mineral exploration or development. Furthermore, differences in company/community/government interaction related to exploration as opposed to development activities were also thought to be worth considering.

After consultation with the Eastern Arctic Study Advisory Committee, it was decided not to pursue case studies involving communities where significant industrial development activity might be anticipated in the near future. Such research might be extremely disruptive to the sometimes fragile relationships between communities, industrial development concerns and government. In addition, the possibility that such research might, in itself, create anxiety in communites under pressure for development also militated against selection of cases of this type.

It was also determined that thorough, systematic research of communities with a long history of industrial development, but which have experienced a pull-out of industry, would be difficult to accomplish. The main example of such a community in the ITC claim area is Rankin Inlet. However, the mine in Rankin closed in the early 1960s and the community and its population have changed significantly since that time. This would make it difficult to obtain comprehensive information related to the development, operation, and eventual closing down of the Rankin Mine.

The above considerations prompted the decision to concentrate on cases within the ITC claim area and elsewhere within the NWT which involve communities with a long history of industrial development activity or those with a recent history of such activity. In addition, the variables of industrial development involving oil and/or gas companies as compared to hard rock mineral companies and exploration as opposed to development were taken into account in selecting specific cases.

Case studies selected within the ITC claim area and elsewhere within the Northwest Territories are as follow:

TABLE 1
EASTERN ARCTIC STUDY MAJOR CASE STUDIES

Case	NWT/ITC	Long/Recent Community Involvement	Oil,Gas/ Hard Rock Mineral	Exploration Development
Nanisivik Mine	ITC	Recent	Hard Mineral	Development
Polaris Mine	ITC	Recent & Long	Hard Mineral	Development
Baker Lake	ITC	Recent	Hard Mineral	Exploration
Beaufort Sea	NWT	Recent & Long	Oil & Gas	Exploration

This working paper deals with the interaction of industry/community and other governments in the Baker Lake area from approximately 1970 to the present. Considerable national attention was focused on this area in the late 1970s when the community of Baker Lake was involved in a major court action that tested the issue of aboriginal rights. The impetus for this action, however, emerged from the interaction of mineral exploration companies, government and community over a period of ten years. This paper will not deal with the substantive court case in any detail, but will concentrate on the events preceding and following the court action.

Since the late 1960s the vicinity of Baker Lake has experienced massive waves of exploration for uranium. Considerable controversy has been generated with respect to the effect of exploration activities on traditional pursuits such as hunting, trapping and fishing. During the 1970s the community of Baker Lake sought through a number of means to halt exploration activity. It eventually succeeded in obtaining a land freeze in 1977 and a temporary injunction in 1978. This injunction was lifted in late 1979 and exploration activity has continued. This case will relate and assess industry/community/other government relations during this time.

Baker Lake was selected as an appropriate subject for a case study for several reasons. First, the events are both recent and self-contained. While the issues raised by the case are of more than local concern, the chronology and the actors are sufficiently identifiable to allow reasonably accurate examination and assessment. The events have occurred in the not too distant past, so there is ready access to documents and to personal experiences. Moreover, the fact that the events have occurred over a period of ten years encourages the identification of certain patterns of behavior.

Second, as an example of mineral exploration, in contrast to development, Baker Lake is considered a prime candidate for a case study. Whether there will ever be production or mineral transportation in the Baker Lake area is still an unanswered question. Time may demonstrate that Baker Lake was an example of a community's response to what turned out to be only a temporary spate of activity. The uncertainty attached to the issue of whether development will occur adds an interesting and potentially instructive dimension to the Baker Lake case.

Research concerning Baker Lake has involved reviewing relevant documentation and conducting personal interviews. Documentation concerning the events associated with the Baker Lake case has been received from the Federal Government, the Government of the Northwest Territories, the Canadian Arctic Resources Committee (CARC), ITC, industry representatives and the Hamlet of Baker Lake.

In the summer of 1981 a visit was made to Baker Lake by members of the Eastern Arctic Study core group. The visit had three objectives. The first was to inform the council and other interested members of the local community about the Eastern Arctic Study in general and about the Baker Lake case study in particular. A formal presentation was made to council concerning the Eastern Arctic Study, with a question and answer session following. Second, interviews were held with members of the local council, local government staff, and other interested parties. Finally, council minutes and other documentation were reviewed to determine the context and nature of communications between the community and companies and other levels of government concerning industrial development. In addition to these community interviews, other interviews concerning the Baker Lake study were conducted in Ottawa, Yellowknife, Rankin Inlet, Vancouver, Calgary and Toronto. A list of individuals interviewed to date is appended in appendix II.

The research effort has been directed toward preparation of a chronology of events and toward the identification of specific issues which have emerged.

The following chapters will provide an overview of the case, including the range of issues which have emerged concerning exploration in the Baker Lake area; a discussion of issues specifically relevant to the Eastern Arctic Study; and an examination of this case study's future relevance for the Eastern Arctic Study.

It would have been impossible to collect the material contained in this working paper and its appendices without the assistance and goodwill of people in northern communities, the Government of the Northwest Territories, the Government of

Canada, industry, Inuit Tapirisat of Canada, and others. The Eastern Arctic Study assumes responsibility for any factual errors and for any interpretive comments made in this paper.

2. OVERVIEW OF THE CASE

Brief History of the Case

Before isolating and analyzing the issues central to the Baker Lake case study it is necessary to have a general understanding of the events associated with the case. Accordingly, a brief description of the circumstances of the Baker Lake case will be presented below. A more detailed chronology is attached as appendix I.

A federal government policy paper produced in 1965 entitled 'A Territorial Roads Policy for the Future,' set the context for mineral exploration in the Northwest Territories. This paper encouraged mineral exploration, arguing that 'mineral and oil potential offers the only realistic chance to the north to become economically independent during the next 10 to 20 years.'[1] This policy led to the extension of fiscal and infrastructure incentives to industry by the federal government and the resultant increase in exploration in the Baker Lake area.

The first significant wave of exploration occurred in the Baker Lake area in 1969, following the discovery of the Rabbit Lake uranium deposit in Saskatchewan's Athabasca Basin. This discovery caused geologists to flock to similar formations elsewhere, including the Thelon Basin in the Keewatin. Mining company activities included geological reconnaisance, geochemical sampling and geophysical surveying. Considerable amounts of land were staked subsequently near Baker Lake but no discoveries were recorded. Among the companies active at this time were Aquitaine, Uranerz, and the Dynamic Group, later known as Pan Ocean. It was during this season and the following 1970 exploration season that activities associated with exploration for minerals became a major subject for concern in the community of Baker Lake. The major concerns of the people of Baker Lake were related to interference with hunting, fishing and trapping.[2] It was during this period that the community's concerns regarding exploration activities were brought into the discussion of aboriginal rights taking place at the national level.

In 1971 the Territorial Land Use Regulations were promulgated in the Northwest Territories but were not applied in their totality in the Keewatin. It is important to note that in general from 1971 to 1975 land use in the Keewatin was regulated by the informal application of the principles underlying the Territo-

1. Cited in Northern Perspectives, vol. VIII, no. 3, 1980.
2. Ibid.

rial Land Use Regulations. In other words, companies were not obliged to comply with the regulations but rather were encouraged to conduct themselves in a manner that was in conformity with the regulations and their underlying principles. More specifically, land use permits were not required, although certain activities such as excavations and clearing of land were regulated under Part I of the regulations.

Exploration activities by companies such as Pan Ocean, Urangesellschaft and Cominco continued during the next several exploration seasons. During this period there was an obvious increase in the amount of community concern and agitation over exploration activities. This concern was reflected in a letter sent in April of 1973 from the Chairman of the Settlement Council of Baker Lake to the Commissioner of the Northwest Territories requesting his assistance in determining which companies had been granted exploration permits for the Baker Lake area. The reason given for requesting this information was concern over the anticipated effect of exploration activities on caribou. The letter stated that the settlement council 'is convinced that such exploration has already in the past prevented the caribou using their traditional migration routes in this area.'3

It is not clear whether the settlement council in directing its letter to the commissioner was anticipating a response from the Government of the Northwest Territories or from the federal government, specifically the Department of Indian Affairs and Northern Development. If the former were the case this might indicate some confusion on the part of the settlement as to the locus of responsibility with respect to exploration activities. In brief, the GNWT plays no direct role in regulation or monitoring of exploration and thus would not be the appropriate source of information or support. On the other hand, the settlement may have been attempting to address the federal government through its senior official in the Territories. In any case, it was the federal government that responded to the settlement's letter.

The primary response of the federal government to this request was two-fold. First, the attention of the settlement was called to the publication of a bulletin titled 'Dialogue North' containing information on planned resource activities in the Keewatin and Eastern Arctic regions. Second, the Regional Director of the Department of Indian Affairs and Northern Development visited Baker Lake in late February to discuss problems and additional steps that might be taken to keep people informed. Moreover, a letter from Jean Chretien, Minister of DIAND,

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3. Letter from Chairman, Settlement Council of Baker Lake, to Stewart Hodgson, Commissioner of the Northwest Territories, January 26, 1973.

concluded with the assurance that the Government of Canada would proceed with mineral resource development in a way which demonstrated due concern with possible environmental and social impacts.4

Over the course of the next year, the settlement council of Baker Lake made various representations to the Department of Indian Affairs and Northern Development expressing its concern about exploration activities in the Baker Lake area and requesting further information with respect to exploration activities.

Although an attempt was made by DIAND officials to respond to these information requests and, indeed, certain constructive suggestions were made to the settlement council, it is evident that the concerns of the community did not dissipate.5

The growth in community concern culminated in a formal complaint and petition from the settlement of Baker Lake to the federal and territorial governments in April of 1974, asking for a freeze on new mining activities. This petition, which was signed by 300 Baker Lake residents, protested the lack of prior consultation about proposed industrial activities and asserted that exploration activities would only be acceptable to the community after a land claims settlement was made, and then only if Baker Lake residents approved the proposed activities. It appears that a major factor underlying the actions of the settlement council was the fact that the Keewatin was still not subject to the Territorial Land Use Regulations.

This first request of the settlement of Baker Lake for a land freeze was turned down by the federal government. Two months later, however, DIAND informed the settlement council that the Keewatin District and thus the area surrounding Baker Lake would be incorporated into the new regulatory scheme by the first of January of the next year. Moreover, the consultative process for amending the

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4. Letter from Jean Chretien, Minister of DIAND, to the Chairman, Settlement Council of Baker Lake, February 27, 1973.
5. See the following:
   - i Letter dated April 18, 1973 from Chairman, Settlement Council of Baker Lake to Regional Director, DIAND;
   - ii Letter dated May 3, 1973 from Acting Regional Director, DIAND, to Chairman, Settlement Council of Baker Lake;
   - iii Letter dated January 17, 1974 from Regional Director, DIAND, to Chairman, Baker Lake Settlement Council;
   - iv Letter dated April 11, 1974 from Executive Assistant to the Regional Director, DIAND, to Baker Lake Settlement Manager;
   - v Letter dated April 22, 1974 from Regional Director, DIAND, to Baker Lake Settlement Council.

Territorial Lands Act would involve government, native groups and industry.6 DIAND further indicated that under the proposed new regulations, advance information about land use permit applications would be made available to local residents and that local residents would be consulted about proposed activities.[7]

It was following the federal government's rejection of the land freeze petition that the people of Bake Lake first approached Inuit Tapirisat of Canada with the suggestion that it use its influence in furthering their interests.[8]

The summer of 1975 saw another exploration rush to the Keewatin stimulated by two external factors: an increase in uranium prices during this period and the discovery of the Key Lake deposit in Saskatchewan. During the months preceding the 1975 exploration season, expressions of concern from the settlement council of Baker Lake were met with repeated assurances by the federal government that the anticipated incorporation of the Keewatin into the existing land use regulatory scheme would satisfy their concerns, and that there would be full consultation at the settlement level on issues related to exploration and to changes in the Territorial Land Use Regulations.[9]

In March 1975 the Baker Lake settlement council learned that it had been overlooked during the preparation and review of the proposed new land use regulations. As a result, the settlement council advised DIAND that it could not accept delays while changes were made to the land use regulations, and it requested an immediate freeze on all exploration activities in the Baker Lake area until such time as the new regulations were made official. When a prompt reply to its land freeze request was not forthcoming, the settlement council of Baker Lake resolved to contact its Member of Parliament and ITC in Ottawa.10 Moreover, on April 1st, the settlement council issued a press release describing its growing concerns related to development activities and chronicling its frustration with DIAND over the existing land use regime.

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6. It should be noted that, although ITC was subsequently consulted during this amendment process, the settlement council of Baker Lake was not.
7. Interdisciplinary Systems Ltd., 'Effects of Exploration and Development in the Baker Lake Area,' vol. I, Study Report, 1978, p. 2.
8. Northern Perspectives, vol. VIII, No. 3, 1980.
9. See the following:
   i Letter dated February 13, 1975, from Chairman of the Settlement Council of Baker Lake to Judd Buchanan, Minister of DIAND;
   ii Telex dated February 24, 1975, from Judd Buchanan, Minister of DIAND, to Chairman of the Settlement Council of Baker Lake.
10. Interdisciplinary Systems Ltd., Study Report, p. 2.

On April 7th, 1975, the minister responded to the Baker Lake request. He indicated that it was impossible to place a freeze on land in the Baker Lake area because mining companies had existing legal rights to carry out exploration activities and these rights could not be withheld retroactively. He indicated that exploration companies were encouraged by his department to conduct their obligations within the spirit of the Territorial Land Use Regulations.

Two months later, in June of 1975, the Baker Lake settlement council formally asked ITC to prepare the necessary documentation for obtaining a land freeze on the Baker Lake area. On June 24th ITC presented a formal proposal for a land freeze in the Baker Lake area to the federal government on behalf of the settlement. The proposal outlined the settlement's concerns, especially with respect to the effects of aircraft on caribou, and emphasized the cultural value attached to the land by the people of Baker Lake. The proposal suggested a freeze on six areas pending a formal land claims settlement. As before, the request was turned down by the federal government on the basis that existing environmental controls and the Territorial Land Use Regulations were felt to be adequate. In his formal rejection of the freeze request in August, 1975, the minister again stated that the Keewatin would be incorporated into the Territorial Land Use Regulations by October, 1975 and that an adequate framework for dealing with the communities concerned would then be in place.11

During the autumn of 1975 a DIAND representative visited Keewatin communities, including Baker Lake, in order to introduce the Territorial Land Use Regulations. He found that the predominant concern of Inuit was the lack of information available to them. In November 1975, the Territorial Land Use Regulations were extended to cover the Keewatin District. Industrial operators were now required to obtain land use permits for work in the area.

Over the course of the next two years the communities of the Keewatin, including Baker Lake, tended to review land use applications and to say 'no' to all of them, in an attempt to stop development. The federal government, however, continued to approve applications, including several within the freeze zone proposed by Baker Lake. ITC expressed its lack of confidence in the Minister of DIAND, charging lack of consultation and concern for northern people. The minister in response reasserted his faith in the permit review process and confirmed that exploration would be allowed to continued.12

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11. Ibid, p. 4.
12. Ibid, p. 4.

Although several meetings were held during the winter of 1976 between representatives of DIAND, the Baker Lake settlement council and the Hunters and Trappers Association of Baker Lake,[13] community concerns related to the location of company camps, caribou, and low-flying aircraft did not abate. Indeed community frustration in dealing with DIAND continued to grow during the 1976 exploration season.

Although community attention was focused to a large extent on mineral exploration, it is important to note that pressure was also being felt from another source. During this time discussions and studies were being undertaken with respect to the planning of a natural gas pipeline from the high Arctic gas fields to southern markets. It was anticipated that this pipeline might pass west of Baker Lake. Minutes of the meetings of the settlement council demonstrate both an intense interest in and concern about this proposal and its potential effects on the community and the activities of its residents. The publication of a background study in January, 1977[14] added to the general feeling of uncertainty and frustration within the community of Baker Lake.

In February, 1977 ITC and the Baker Lake settlement council again called for a freeze, rejecting the permit review process as an adequate means of controlling environmental damage, particularly the harassment of caribou. In March, revisions to the Territorial Land Use Regulations were made providing that all but minor uses of land became subject to land use permits. For reasons that still remain obscure, in April 1977 the new Minister of DIAND, Warren Allmand, agreed to a one-year freeze on the issuance of new permits. This freeze would apply to activities in an area of 78,000 sq. km around Baker Lake. The halt on issuance of land use permits was to last until 1 March 1978, during which time a study would be undertaken of the effects of exploration activities on hunting and trapping. DIAND continued to reject a total freeze while land claims were being negotiated.

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13. For example:
    i January 19-23, 1976 - DIAND's Land Use Administrator in the Keewatin met with the Baker Lake settlement council and the HTA of Baker Lake to discuss issues related to land use applications and land use regulations;
    ii April 30, 1976 - Regional Director, DIAND, and other DIAND officials met with the Baker Lake Settlement Council and the HTA to discuss exploration activities projected for the Baker Lake area.
14. Baker Lake, NWT, A Background Report of Its Social and Economic Development, undertaken for the Settlement Council of Baker Lake and the Polar Gas Project. January 1977.

Coincidental with the community's growing concern about exploration activities in the area was the expansion of community political activism. This culminated in the granting of hamlet status to Baker Lake on 1 April 1977, with the associated powers and responsibilities.

The exploration season of 1977 saw reduced activity, in large part because of the land freeze. There are indications, however, that some companies circumvented the land freeze by keeping individual operations so small that a land use permit was not required.

In December 1977, Polar Gas made initial filings with the National Energy Board pursuant to an application to construct a pipeline to transport natural gas from the Arctic islands to southern markets. The proposed routing was west of Baker Lake.

In late February 1978, a consulting firm, Interdisciplinary Systems Ltd., published its study of the impact on caribou of mineral exploration and development.[15] The report suggested that the concerns of Baker Lake residents might be more perceived than realistic. For example, Inuit felt that caribou had avoided the Kazan Falls crossing in 1976 because of a Cominco camp there. IDS, on the other hand, thought that the reason could in fact be a normal variation in migration patterns.

Following release of the IDS report, a dispute arose over the causes of the herd depletion. Baker Lake prepared a petition signed by 80 percent of its residents asking that the freeze be extended until land claim negotiations had been settled. At the same time, mining interests lobbied for an end to the freeze. The freeze was not renewed, although some additional controls were introduced to protect the caribou.

On 24 April 1978, the hamlet of Baker Lake was granted a temporary injunction by the Federal Court prohibiting the issuance of land use permits unless subject to special restrictions. The temporary injunction prohibited the Minister from allowing mineral exploration within defined herding grounds, calving grounds and water-crossing areas.

Exploration activity during the summer of 1978 was somewhat limited because of the short working season and because of certain conditions placed on exploration activities as a result of the injunction. It is interesting to note that during this summer several mining companies made initial contacts with the Baker Lake

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15. Interdisciplinary Systems Ltd., Study Report.

hamlet council and with the HTA of Baker Lake. Moreover, individual instances of difficulty between companies and the community, for example with respect to the moving of fuel drums, were settled on a case-by-case basis. One can point to this as an indication of an interest on the part of both the exploration companies and the people of Baker Lake in reaching some level of mutual understanding and accommodation.

During the spring of 1979, the case with respect to the injunction in Baker Lake was heard before the Federal Court, with a judgment handed down in November. The immediate result was the lifting of the injunction in the Baker Lake area.

The level of exploration activity during the last two seasons has varied from company to company. For example, Essex Minerals has not been active in the Baker Lake area since the summer of 1980, while Pan Ocean has continued with its activities during 1980 and 1981. A significant development during this period has been the convening of an annual meeting to discuss caribou protection measures to be applied during the upcoming exploration season. These meetings have involved representatives from industry, the community, and various levels of government and have been constructive in promoting information exchange and conflict resolution amongst these parties.

Short Chronology

1969/70	First wave of exploration.
1971	Territorial Land Use Regulations applied in the NWT, but not fully in the Keewatin.
1973/74	Increase in community concern and agitation.
April 1974	First freeze request by community - refused - new regulatory scheme promised.
Spring 1974	Baker Lake approached ITC for support.
1975	Second wave of exploration.
March 1975	Second freeze request by community - refused.
June 1975	Baker Lake asked ITC to prepare freeze proposal - subsequently rejected by federal government.
Nov. 1975	Territorial Land Use Regulations applied fully in Keewatin.
Feb. 1977	Another call for a land freeze.
March 1977	Territorial Land Use Regulations revised. Baker Lake not consulted.
April 1977	One-year freeze on new permits imposed.
April 1977	Baker Lake became a hamlet.
Summer 1977	Limited exploration.
April 1978	Freeze expired - temporary injunction granted.
Nov. 1979	Injunction lifted.
Winter 1980	First Caribou Protection Measures Meeting.
Winter 1981	Second Caribou Protection Measures Meeting.

Three Stages of Activity

For purposes of analysis it may be helpful to divide the time period covered by the case into three segments. Although somewhat arbitrary, the three stages can be defined as follows:

i the period prior to the establishment of land use controls in the Keewatin (that is, prior to November 1975);
ii the period between November 1975 and the release of the judgment in the Baker Lake court case (November 1979);
iii the period from November 1979 to the present.

In a superficial manner at least, the three periods can be individually characterized.

The first period was accompanied by fairly independent action on the part of exploration companies and pipeline companies and by increasing frustration and confusion on the part of the people of Baker Lake. During this period the community looked to the federal government as its protector, and gradually became more and more adept at getting government's attention.

The second period was characterized by dissatisfaction with the new regulatory regime and by community action at the national level. The community, with help from ITC and after several unsuccessful attempts, ultimately obtained a ministerial land freeze, followed by a court challenge which resulted in a land freeze by injunction - if only a temporary one. It may be added that, at least as far as upholding their rights under permit, industry also looked to the federal government for support during this period.

The last period (the post-November-1979 period) may be characterized by the realization on all sides that further accommodations are necessary. Innovative mechanisms for consultation have been established and in many instances black-and-white attitudes have been modified. Significantly, it appears that both the community and industrial interests have abandoned their expectation that government will promote their interests primarily.

Isolation of Issues

It is possible to identify a number of issues from the overview chronology of the Baker Lake case. While not meant to be exhaustive, this list does provide a

point of departure for discussion of the case's relevance to the Eastern Arctic Study. In selecting issues for examination several characteristics were considered:

i they are directly connected to community/company/government interactions;
ii they have been a source of controversy, and so there is considerable documentation and opinion available;
iii they provide insights which will be of value in developing scenarios for the future structure and process of local government and of regulation of the mineral industry in the ITC claim area.

In the Baker Lake case the following issues or areas for discussion were identified:

i exploration versus development;
ii nature of the mining industry;
iii history of regulation and of industry/government/community relations;
iv nature of community concerns and stages of community response;
v influence of ITC, land claims and related issues;
vi development of local power.

Each issue will be briefly set forth here and will be discussed in more detail in the next chapter.

Exploration versus Development

The Baker Lake case, unlike Nanisivik and Polaris, does not involve actual industrial development. To date there has been no mineral production, no production of oil or gas and no transportation of mineral products. There has, however, been exposure to a range of activities that are preliminary to industrial development. These include mineral exploration and feasibility studies and pre-planning activities associated with a major gas pipeline.

The activities attendant on mineral exploration in particular have produced a perceived conflict with traditional values and activities within the Baker Lake community. Moreover, the uncertainty surrounding the question of whether development will in fact occur, with both obvious and hidden costs and benefits to the community, adds to an already volatile environment an element of unpredictability.

Nature of the Mining Industry

The particular characteristics of the mining industry (e.g. the effect of fluctuating markets on the level of exploration activity) and the individual modes of operation of individual companies have had a discernible impact on the events associated with the Baker Lake case as well as on the general environment within which the various parties interacted and dealt one with the other.

History of Regulation and of Industry/Government/Community Relations

As suggested above, it is possible to analyze the Baker Lake case in three stages. These stages relate in large part to the nature of the regulatory process in place and to the resultant tenor and content of industry/government/community relations during each of the three stages. A discussion of the impact of the regulatory process on the interaction of these three interested parties will be instructive.

Nature of Community Concerns and Stages of Community Response

During the years covered by the case study, the concerns of the community of Baker Lake evolved from an initial concern with the effect of exploration activities on the caribou to a more complex anxiety about industrial development and its impact on traditional pursuits. Community response has varied both in form and intensity. The reaction and undertakings of the community of Baker Lake can be traced in relationship to the three stages of the case outlined above.

Influence of ITC, Land Claims, and Related Issues

The controversy surrounding exploration activities in the Baker Lake area was played out within a broader context: i.e. the debate occurring at the national level with respect to aboriginal rights and land claims. Although initially of local concern only, the events in Baker Lake became of vital interest to ITC, which was asked by the community of Baker Lake to assist it in its efforts to halt exploration activities. The relationship of the community to ITC, the role played by ITC, and the interplay of local and national issues are of major interest in any examination of the Baker Lake case.

The Development of Local Powers

A central theme running through the Baker Lake controversy is the efforts of the community to exert some control over the activities of industrial developers. Perceptions as to how such control or influence might be exercised varied over time as did the community's level of frustration and sense of powerlessness. Nevertheless, more recent experience has demonstrated the possibilities for community influence on matters of immediate concern to the residents of Baker Lake.

3. ISSUES RELEVANT TO THE EASTERN ARCTIC STUDY

Exploration versus Development

It is reasonable to characterize the Baker Lake case as an example, not of development, but rather of potential development. No productive activites have yet resulted from the extensive exploration endeavours of the various mining companies active in the area. Also, the proposed routing of the Polar Gas pipeline has been altered and no longer passes near Baker Lake.

It is in the nature of exploration that activities and feasibility studies will occur many times more often than will actual productive development. Whether there will ever be production or mineral transportation in the Baker Lake area is unknown, despite occasional optimistic pronouncements from mining interests. Time may demonstrate that the Baker Lake case was an example of one community's response to what turned out to be only a temporary spate of activity.

It should not be assumed that actual development is a prerequisite to demonstrable impact on a community. Exploration activities, whether a precursor to more permanent developments or merely transient occurrences, are capable of having significant effects on a community and its surrounding territory. Indeed, exploration activities, which may in fact range over a wider geographical area than a specific development such as a mine, can have widespread impact of an economic, social, physical and environmental nature. Moreover, the degree to which this will occur will vary with the scale and duration of the exploration program undertaken, with the result that the effects may be both uneven and unpredictable. These characteristics plus the difficulties experienced by the community in dealing with them were clearly present in the Baker Lake context.

The community's response related not only to demonstrable effects of exploration activities (e.g. the effect on caribou, the establishment of base camps and so on) but also to the uncertainty associated with exploration both in the short term and the long term. As can be seen from the chronology of the case, exploration activity in the Baker Lake area occurred at an uneven rate, in that years of intense activity were interspersed with years of reduced activity. Moreover, there existed the possibility that exploration programs might be terminated (or, conversely, accelerated) at any time.

The extent to which the community can or will benefit from and participate in mineral exploration remains a debatable question. Industry representatives have

expressed doubt about the potential for economic benefit to communities from exploration work. Many of the activities related to exploration require a workforce that is mobile and technically skilled. This is one factor contributing to low rates of employment of Inuit in the exploration stage. Employment opportunities, however, are one of the most readily apparent benefits of industrial development. Additional benefits that one might expect to accrue to a community from exploration activities relate to the stimulation of local entrepreneurial interests. It appears, however, that economic spin-offs have been limited in the Baker Lake situation with certain of the exploration companies, for a variety of reasons, preferring to transport supplies from other points. This is not to suggest that no economic benefits have accompanied exploration, but rather that they have been less than what might have been expected. The relatively low level of economic and employment benefits in the Baker Lake area probably contributed to a growing skepticism on the part of residents of the merits of exploration.

The lack of tangible evidence that development in the form of a producing mine would occur contributed to a general atmosphere of uncertainty and confusion in the community. The inability, or occasionally refusal, of industry or government to provide substantive answers to queries from the community concerning future prospects as well as present activities further generated suspicion and doubt. Those who feared the effects of development were anxious and perturbed, just as were those local entrepreneurs who favourably anticipated the economic spinoffs of permanent or production activities.

Many have noted that the community felt that information on the actions of individual mining companies was not relayed to the settlement council or to local residents. This raises the obvious question of what party should bear the responsibility of conveying such information to the community: exploration companies themselves, or the federal and/or territorial governments. Ancillary questions relate to the nature of the information, the level of detail, and the format in which it should be presented, in order to maximize its utility to the community. In response to the suggestion that full disclosure is desirable from the perspective of the community, representatives of industry have maintained that a certain amount of secrecy and confidentiality is necessary at the exploration stage. Thus there would appear to be an inherent tension between the interests of companies and communities at the earliest stage of exploration. Balancing the interests of these two groups is a very real and difficult problem, as was clearly indicated in the Baker Lake context.

It is arguable that communities such as Baker Lake have been forced into a passive role during the exploration stage of mineral development, in the sense that they have minimal influence over the rate, nature, or effects of exploration activity. Until companies reach a certain level of activity and thus trigger the regulatory process, discussions with communities and the sharing of information are matters of company preference. Not until copies of land use permits are forwarded to the local council are communities formally involved. During the period when activities are still at the exploration stage, however, the damage that is done to company/community relations may be irremediable.

In sum, it may be suggested that during the exploration stage a community is relatively powerless to influence the nature, pace, or effects of associated activities. When this was combined, as it was in the Baker Lake case, with a pervasive ambiguity with respect to possible costs and benefits of actual development if and when it should occur, it is not surprising that the community reacted with scepticism which changed under very fluid circumstances to outright opposition.

Nature of the Mining Industry

The different characteristics and expectations of interests involved in exploration activities and those involved in actual development has already been suggested. There is little doubt also that major differences in style and behavior exist between exploration companies. Indeed, the experience of Baker Lake indicates that some companies more than others are interested in and adept at developing a productive and cooperative relationship with local residents and local institutions. Moreover, the influence and personal characteristics of specific individuals have proven instrumental in setting either a positive or a negative tone to industry-community dealings. It is difficult, however, to discern consistent patterns among the various companies involved in the Baker Lake area. In general, it may be noted that the smaller, independent mining companies have less financial freedom and less 'public affairs' sophistication than do the major companies.

Apart from idiosyncratic practices and orientations, the mining industry demonstrates certain general traits. Perhaps most important is its dependence on fluctuating mineral markets and the great influence that such fluctuations have on the behavior of companies. One can point to successive waves of uranium exploration (such as occurred in the Keewatin) following successful discoveries elsewhere. Activity is naturally more vigorous when uranium prices are high.

As suggested above, variations in exploration activity are accompanied by inconsistent and unpredictable impacts on the community. Community adjustment to exploration, let alone to development that may or may not occur, is a difficult if not impossible task.

Other factors, such as government regulation, also affect the level and duration of exploration activity by mining interests. Before the federal government established its ownership guidelines for uranium mines, foreign operators (most notably Urangesellschaft in the Keewatin) explored vigorously and found major deposits. At the present time, however, these deposits are not being exploited pending association of the foreign company with a Canadian partner for purposes of development.

The possibility that uranium exploration in the Baker Lake area may decline or be suspended altogether is not farfetched. This outcome could result from one or from a combination of factors: a moratorium on uranium mining, a sharp downturn in uranium markets, or a widespread conviction in mining circles that there is implacable hostility among local people. It is not beyond the realm of credibility to envisage a suspension of exploration activity in the Baker Lake area. The key implication for all parties, however, is the uncertainty, the unpredictability. The effect of this characteristic of the mining industry can be clearly seen in the response of the Baker Lake community. The changing level of exploration, the uneven benefits in terms of employment or local economic spinoffs, the uncertainty about the future, and related considerations all contributed to the general sense of frustration and lack of local control. For many individuals, what occurred in the Baker Lake area appeared to depend increasingly on external factors and decisions, decisions that related to the economics of mining as much as to anything else.

History of Regulation and of Industry/Government/Community Relations

It is the discussion of this issue that benefits most directly from the division of the study period into three distinct stages. Briefly, those stages were:

i the period prior to the establishment of land use controls in the Keewatin, i.e. prior to November 1975;
ii the period from November 1975 to the release of the judgment in the Baker Lake court case in November 1979;
iii the period from November 1979 to the present.

First Stage

The Territorial Land Use Regulations were applied in the Northwest Territories in 1971 but were not fully extended to the Keewatin until November 1975. During the intervening years exploration companies and pipeline companies enjoyed scope for fairly independent action. While they were encouraged by the federal government to keep within the spirit of the regulations, there were no sanctions if they failed to do so. The extent to which individual companies complied with this request varied and it is not surprising to find that, when compliance conflicted with self-interest, company actions often reflected the latitude allowed under the circumstances.

The approach of the federal government during this period has been characterized as a 'non land-use policy', as opposed to one that established certain standards and conditions with respect to exploration activities. Moreover, apart from some hiring of seasonal labour, there is little evidence of formal contact of companies with the communities of the Keewatin. It appears that the attempts that were made to keep communities informed were made by officials of DIAND rather than the companies themselves. DIAND's efforts in part were in response to an increasing number of requests from the settlement council for information and for the opportunity to make community views known. There is no significant evidence of a sincere recognition of valid community concerns or of a commitment to investigate and take some action.

An examination of correspondence exchanged during this period by the settlement council of Baker Lake and various ministers and official of DIAND indicates a growing sense of frustration and confusion on the part of the community. The community as early as January 1973 expressed anxiety about the effects of exploration on caribou migration and complained about the absence of information relating to the issuance of exploration permits.

It is characteristic of this period that the community of Baker Lake looked to the federal government for assistance. Industry representatives, in explaining their limited awareness of community concerns during this period, have pointed to the fact that these concerns were not well communicated to industry by the community or by the federal government. As a result, industry remained somewhat uninformed about the growing opposition to its activities.

Over time the community developed more effective methods of eliciting the government's attention. Moving beyond requests for information, the community in 1974 forwarded its first request for a freeze on new exploration to the govern-

ment. The petition accompanying the request protested the lack of prior consultation with respect to proposed industrial activity and asserted that exploration activities would be acceptable to the community only after land claims were settled, and then only if Baker Lake residents approved the proposed activity. The settlement council also expressed concern that the Keewatin was still not subject to the Territorial Land Use Regulations.

The federal government, in turning down the freeze, held out the promise that by January 1975 the Keewatin would be incorporated into the new regulatory scheme. Moreover, the community would be included among the interested parties that would be consulted about proposed new regulations, and in the future would receive more information about land use permit applications.

When these assurances did not materialize in the form of action, the community again requested a freeze in March 1975. Communications from the settlement council during this time indicate an ever increasing sense of frustration accompanied by growing insistence that something be done to meet community concerns. In refusing this second request, the Minister of DIAND again drew attention to the circumstances associated with the land use regulations.

With the assistance of ITC, Baker Lake presented a third formal proposal for a land freeze in the Baker Lake area. This proposal was formally rejected in August of 1975 with the promise that the Keewatin would have an adequate regulatory regime by the late autumn.

The frustration experienced by the community in the repeated negative reactions of the federal government to its freeze proposals was heightened during the summer of 1975 by a second wave of mineral exploration. Finally, in November 1975, the Territorial Land Use Regulations were extended to the Keewatin.

Clearly the experience of the community during the period of non-regulation had been most unsatisfactory. It might even be characterized as counter-productive, in that community/company relations deteriorated and the community adopted an increasingly suspicious and defensive posture. Companies established varying degrees of preliminary contact with community residents and institutions but, as relations became poorer, the not-unexpected reaction on the part of some companies was to withdraw from direct contact. Moreover, since companies were not required to consult with Baker Lake on any formal basis, the inclination to do so was minimal. The federal government, to some extent, adopted the role of mediator by providing some information, discussing problems with the community, and promising a new regulatory scheme. None of this, however, met the concerns

of the residents of Baker Lake; rather, it served to enhance feelings of uncertainty and confusion. The persistence of the community in pressing for a land freeze may be seen as indicative of a strongly felt wish to suspend activities pending clarification of the situation.

Second Stage

Imposition of the Territorial Land Use Regulations, at least in the view of the federal government, was expected to mitigate the concerns of the community of Baker Lake and to establish ground rules for the exploration companies.

Before commenting on the immediate experience of the community, industry and government in operating under the new regulatory framework, it may be useful to characterize, in a perfunctory way at least, the approach of each group to the regulations.

In a general way the regulations, as promulgated by government and applied to industry, are designed to regulate the environmental impact of various land use activities by controlling access and regulating mining activities. The regulations are not meant to deny access to companies but rather to impose certain conditions on work undertaken. Under most circumstances access cannot be denied indefinitely, but only delayed while conditions placed on a permit are met. Moreover, the regulations relate to environmental considerations rather than broader socio-economic considerations.

The perceptions of Baker Lake residents of the purpose and nature of the regulations may be characterized as directly contrary to the views of government and industry. It appears that the regulations were seen at best as a possible mechanism for denying access to exploration companies and thus for prohibiting development, and at least as a way of attaching stringent conditions to exploration activities, conditions that would reflect the interests and views of Baker Lake residents. Also, consideration of socio-economic issues as well as environmental concerns was promoted by local residents as an integral part of the regulatory process.

Following imposition of the regulatory regime, the position of industry was clear: if the rules of the game were followed and the regulations complied with, exploration activities should be allowed to proceed without hindrance. When the activities of companies were interrupted by local disputes and operations in the field became difficult and were at times characterized by hostili-

ty, industry looked to the federal government to defend and protect its rights. When the federal government proved less responsive than industry might like, it too became frustrated with government.

Clearly the interested parties were operating under divergent assumptions with respect to the newly-applied regulations. It is not difficult to understand why conflict and hostility continued after the regulations were introduced.

Under the formal process established in November 1975, copies of land use permit applications were forwarded to the council and to the Hunters and Trappers Association of Baker Lake. The council reviewed these applications and in keeping with the above mentioned perception of the regulatory process, tended to say 'no' to them in what may be interpreted as an attempt to halt exploration. Given that companies wanted to continue exploration and the federal government wanted only to regulate land use, the position of the community was increasingly at odds with prevailing conditions. The parties were clearly working at cross-purposes. It appeared to be only a matter of time until a confrontation would occur.

Recognition among community residents that the long-promised regulations were not meeting their concerns and interests led to increased political activism in Baker Lake and another call for a freeze on new exploration. Imposition of the freeze on 1 April 1977 provided only superficial relief for the community. The longevity of the freeze was not tied to settlement of land claims, but rather was for a period of one year only, so that a study could be carried out. Moreover, exploration continued, although certainly at a reduced level.

While the freeze allowed something of a breathing space for the community with respect to mineral exploration, other events provided continuing pressure during the next year. In the late fall, Polar Gas filed its application before the National Energy Board for a proposed routing of a pipeline near Baker Lake. The release of the IDS study with its ambiguous findings with respect to the effects of exploration on caribou further unsettled an already anxious community.

Faced with little likelihood that the freeze would be extended, Baker Lake sought and obtained a temporary injunction prohibiting the issuance of land use permits unless subject to special restrictions. The following exploration season was limited in scale and mining company activities were monitored according to the terms of the injunction. The period leading up to the court hearings in the spring of 1979 and the subsequent decision in the late fall of 1979 demonstrated two interesting patterns of behavior. On the one hand, companies and

the community engaged in some not-unexpected posturing and pre-trial skirmishing. On the other hand, and more productive in the long run, individual companies initiated formal contact with both the Baker Lake council and the HTA. Through discussion, disputes over such matters as the moving of fuel drums were resolved. The period of time before the judgment was handed down in November 1979 may be seen as a transition from the second stage of activity to the third.

Third Stage

The new attitude which emerged from the events leading up to and associated with the court action may be seen as indicative of a general recognition that the regulatory process was not itself adequate to produce a constructive and/or mutually satisfying industry/community relationship. The process did not provide for the type of information-sharing, consultation, or mechanism for resolution of disputes that was desired by the community. While industry may not have shared the views of the Baker Lake residents as to the cause of the problems or as to desirable alternatives, there are indications that companies had similarly concluded that the existing structure was not working. Nor had it worked before the regulations were imposed, if one interprets absence of conflict as a measure of success. Intervention by the federal government in the form of the regulations may have provided a much-needed framework, but it had not reduced conflict and tension between industry and the community. It appeared that a more direct relationship with local leaders and local institutions might prove beneficial.

It does not seem unreasonable to suggest that the realization that accommodations were necessary emerged on all sides. As a result, innovative mechanisms for consultation have developed. The most notable may be the twice-yearly meetings held to discuss matters related to exploration activities and its potential impact on caribou. These meetings are hosted by DIAND and involve representatives of government, industry, and communities in the Keewatin. At the fall meeting matters related to the previous exploration season are discussed and new regulations for the following season are drafted. These proposed new regulations are discussed again at a second meeting in the winter. The general opinion among representatives of all parties is that this mode of consultation is working with considerable effect. Furthermore, direct industry-community contact has also increased over the past several years, although certain companies are still reluctant to become involved with the community.

On the part of the community, this approach seems to indicate a growing preparedness to negotiate acceptable conditions for industrial activities and a

general diminution of an unequivocal anti-development stance. More significant still, some local people who previously placed their faith in government policies have begun to feel that their best hope lies with an enlightened private sector for social as well as economic benefits.

From the above discussion, it can be seen that there was a close tie between the development of a regulatory scheme and industry/government/community relations in the Baker Lake area. As the situation evolved, from virtually no regulation, to a regulatory regime that was imposed on the assumption that it would ameliorate conflict, to the stage where the inadequacies of the regulatory scheme were seemingly acknowledged by those parties most affected by it, the nature and tenor of the interaction among industry, government and the community evolved as well. In the earliest period government and industry ignored the community to a great extent, giving rise to more and more local frustration. In the second period, both industry and the community looked to government for protection, with little satisfaction on either part. In the third period, the limitations of government became apparent and efforts were directed at developing mechanisms providing for more direct relations between industry and community.

Nature of Community Concerns and Stages of Community Response

To many outside observers the prime concern of the community of Baker Lake, as demonstrated during the court case, appeared to be the effect of exploration activities on the caribou. An examination of th events during the years covered by the case reveals that this is at best a superficial assessment. The early events associated with the Baker Lake case coincided with a growing controversy about the fragmentation of the Kaminuriak herd. Debate was vociferous about whether this fragmentation had resulted from a change in migration patterns (caused, perhaps, by exploration activities) or from a change in native hunting patterns. The fact that the government had identified over-hunting as the problem both alarmed and threatened local residents. Presentation of contradictory views and evidence by experts and non-experts on all sides promoted an emotionally-charged atmosphere. It was against this background that subsequent events described in this case were played out. Protection of the caribou became the touchstone for community concerns related to development, local control and influence, protection of Inuit lifestyle and traditions, and so on. The urgency attached to these issues by the community and the manner and level of community articulation and expression varied throughout the years covered by the case. This section will attempt to trace the concerns of the community of Baker Lake.

In the years before the Territorial Land Use Regulations were implemented the community was not advised or consulted about the exploration activities of southern mining interests who suddenly appeared, worked for the summer and departed. Both public and private sources failed to provide adequate information to the community about these activities which affected it directly. The generalized anxiety that such behavior produced among local residents was accompanied by a concern that exploration activities interfered with the migration and hunting of caribou. There seems to be evidence that exploration activities interfered with hunting on at least a few occasions. Whether the danger to caribou from exploration activities was significant remains a highly debatable question and need not be addressed here. However, there are enough documented instances of interference of aircraft with individual hunters stalking caribou that the local frustrations are quite understandable. Industry spokesmen have posited the view that the native concern was to preserve the hunting, rather than to preserve the caribou. It is not the purpose of this paper to argue the merits of either side.

Community concern about the caribou evolved into a more generalized perception that traditional values and activities within the community were threatened by exploration activities, and by development, should it occur in future. The community faced great difficulties in obtaining information in the pre-regulation period in particular and had little, if any, impact on the conditions of exploration after the regulations were introduced. This seemed to generate strong resistance in the community to any activities related to exploration. From the time the community realized that, despite government assurances to the contrary, the regulations were not a panacea, the nature of the controversy altered. It took on more and more of the characteristics of a power struggle, with the community determined to gain control of industrial activities and the companies determined to preserve their exploration rights.

Although the controversy had been associated with the national issues related to aboriginal rights and land claims even in the early years, it was during the period when repeated calls for a land freeze were made that the community most directly tied its demands to the land claims issue. The impact of this issue will be addressed in more detail in a subsequent section. Suffice it to say here that the community was opposed to development pending settlement of the land claim. It was felt that settlement would provide a formal system to deal with conflict and to protect Inuit interests.

The community's response during this period involved a range of activities: political activism leading to an increase in powers under hamlet status; re-

peated calls for a land freeze; appeals to national and territorial political figures; cooperation with ITC; and ultimately, a confrontation in the courts. Why the community went to court is a matter of some controversy and there seems to be no clear, definitive answer. It has been suggested that the community opted for legal action because settlement of the land claim no longer seemed imminent. Also, it was seen by many as an opportunity for the people of Baker Lake to vindicate their position with respect to the caribou herds and wildlife management. Resort to such drastic measures demonstrated the failure of the existing structures and processes to defuse and to ameliorate the controversy that had been building over a period of some years.

To some extent the fundamental attitudes expressed by the community of Baker Lake had been consistent throughout the period covered by the case. They may be generally characterized as expressions of opposition to disturbance, to irritation by industrial activities, and to development prior to settlement of land claims. This is not to suggest that these fundamental attitudes have necessarily been unanimously accepted by all community members. The political actors and community leaders who have been active at different times have, however, expressed a fairly consistent anti-development stance. For some this opposition is to development per se; for others it is to development under present conditions. Opposition to this general public posture has been relatively ineffective.

Since the court case, the position and attitudes of the community appear somewhat more complex. A recognition of the need for accommodation and a more receptive attitude toward direct dealings with industry have already been commented upon. This is not in any way to suggest that the community is any less concerned about wildlife, the environment, or the impact of development on Baker Lake and its residents. Rather, these concerns are being articulated and mediated in part at least through new mechanisms such as the caribou protection measures meetings and by more direct dealings with industry representatives. There is evidence, moreover, of a developing ambiguity with respect to exploration and mining. The official position of the hamlet is still anti-development and certainly many residents strongly share this viewpoint. At the same time, many of the leading citizens who originally opposed development are now involved in the activity themselves and are supportive of the economic and social benefits that may accrue from exploration and development.

One issue that was not apparent in earlier years but which has raised concern in the community of late is the nature of the mineral (uranium) that is the object of exploration. Initial concerns related to actual exploration operations, not to the mineral. In recent times, it does appear that the nature of uranium has

added an extra dimension to anti-development sentiments. The controversy over uranium has implications that go far beyond Baker Lake and need not be discussed here. It is sufficient to note that it is an aspect of the continuing development/anti-development debate in Baker Lake.

From the above discussion it can be seen that the nature of community concerns and the manner in which the community chose to express those concerns evolved over time. The concerns and their expression grew in complexity and sophistication and evolved from antagonism to at least the beginning of accommodation.

Influence of ITC, Land Claims and Related Issues

The events of the Baker Lake case study were played out against the background of the continuing national debate concerning settlement of native land claims (specifically, that of Inuit Tapirisat of Canada) and aboriginal rights. These issues gained national prominence in the early 1970s and have continued to draw considerable attention since that time.

During the initial years of exploration activity in the Baker Lake area, community concerns about interference with hunting, trapping and fishing were loosely linked with this national debate. It was during the middle years covered by the case, however, that the influence of land claims and of ITC was most apparent. The petition and first freeze request sent to the federal government by the settlement of Baker Lake in April 1974 asserted that exploration activity should be halted until land claims were settled. This proviso linking the concerns of the community about exploration to the broad issue of land claims became a consistent theme from this period onward.

During the mid-1970s the view was held that a land claims agreement-in-principle between ITC and the federal government was imminent. It seemed reasonable to the people of Baker Lake that development should be suspended pending settlement of the claim, something that, it was assumed, would occur in the foreseeable future. Baker Lake residents believed, moreover, that settlement would provide mechanisms for dealing with conflict between the community, government, and industry, and would protect Inuit interests by guaranteeing them an entrenched position from which to negotiate solutions to problems. To a large extent, settlement of the outstanding land claim was viewed by the community of Baker Lake as a solution to its problems. As the likelihood of a settlement dimmed, the community developed other means for calling attention to its concerns.

When the federal government was slow in responding to a second freeze request in March 1975, the settlement resolved to seek formal support and assistance from ITC. Accordingly, it asked ITC to prepare documentation for obtaining a land freeze for the Baker Lake area. ITC presented a formal proposal on behalf of the community in June 1975. From this time on, ITC played a central role in articulating and promoting the interest of the community, culminating in the court case in 1979.

Apart from providing the community with a strong well-organized ally in the form of ITC, the dovetailing of the local concerns with broader national issues had further significant ramifications. There is evidence to suggest that, at the time of the imposition of the land freeze, the federal cabinet and DIAND wanted to encourage progress on land claims negotiations. The signing of the COPE Agreement-in-Principle had raised a certain amount of optimism and created some momentum for achieving claims settlement. It has been suggested that officials within DIAND in particular supported the freeze on the basis that denying the freeze would alienate the native organizations and disrupt negotiations.

Although the accuracy of this scenario is difficult to establish, it does help to explain why the federal government imposed the freeze after persistently refusing to consider such an alternative. It would also help explain what has been characterized as a rather ambiguous stance taken by the federal government during the court case.

The role of ITC may be examined a little more closely as well. It has been suggested that the hamlet sought a land freeze in part to allow ITC more time to develop its land claims position and to negotiate a settlement. Thus, according to this hypothesis, the persistent agitation for a freeze was a political move designed to foster ITC's objectives and not a popular movement generated by local concerns. That the leadership of ITC was drawn to a large extent from Baker Lake has been seen as further support for this interpretation. Whether this is an accurate view of the events is not clear. What is clear is that once ITC became involved its support for the community was consistent. Indeed, there seems to be no justification for the statement made mainly by pro-development interests that ITC opposed the court case. There may have been certain individuals within ITC who opposed such action, or who at least were surprised by it, but there are no persuasive indications of serious conflict within ITC or between ITC and Baker Lake. Council minutes, for example, clearly show that the development of the petition was a joint effort by the hamlet and ITC.

Identification of the interests of the community of Baker Lake with the national issues related to land claims and aboriginal rights had several observable effects that may be briefly suggested. The association of the community with ITC provided the moral, political, and logistical support required if the community was to press its demands in an effective manner. Linking local concerns with broader native interests may also have served to provide residents of Baker Lake with the assurance and persistence to persevere with their demands. If there is some truth to the scenario with respect to DIAND, then the land claims discussion also provided the community with a measure of support on the government side. Conversely, with respect to industry, the evolution of the controversy from one of local concern with exploration activities to one that mixed land claims with efforts to bring exploration and development to a full halt could only serve to raise fears and to harden resistance. The spectres raised by these issues surely were a significant factor in bringing industry into the court case.

Finally, it may be posited that the elevation of the controversy from one of local concern to one of national concern made it difficult if not impossible for local solutions to emerge, at least until the court action was concluded. This is not meant to suggest that broader issues with respect to claims, wildlife, aboriginal rights and so on were not significant and did not merit consideration on a national level. Rather, it is only to suggest that the initial concerns of the community regarding the interference of exploration activities with traditional pursuits might have lent themselves to resolution through more direct industry-community contact, had the dimension of the controversy not been expanded. The accommodation that has been demonstrated since the court case lends some credence to this theory. However, the positions of the various parties during the middle years may have been such that no other course of action was feasible and that the experience of the court case was necessary before accommodation was possible.

The Development of Local Powers

A central theme running through the Baker Lake case is the perception of the community that it was powerless and without influence with respect to the activities of exploration companies in the vicinity of Baker Lake. It has been pointed out that both before and after the imposition of the Territorial Land Use Regulations the community had minimal formal power when it came to land use and the issuance of land use permits. Under the regulatory regime the community can comment on applications but it can neither halt activities nor impose condi-

tions. Moreover, the extent to which such comments are taken into consideration is highly questionable. The change in municipal status from settlement to hamlet had no effect on this aspect of local authority. Moreover, under the present municipal structure in the NWT, the opportunity for enhancement of local authority over land use in communities and beyond community boundaries is virtually nonexistent. The present system simply does not provide for it.

The official position of the hamlet of Baker Lake is still formally that of 'no development'. Accordingly, the hamlet would like to have a veto over all land use permits within many miles. There is no indication that this is a realistic view in light of federal policy and commitments. The hamlet has not proposed the expansion of community boundaries in order to take in the area of economic activity and it is not clear whether this would be an acceptable alternative to senior levels of government if it were suggested.

To date the hamlet has been successful in augmenting local influence, if not local control, through informal channels such as direct contact with industry. It may be that these informal mechanisms may provide the basis for more formal structures in the future.

The current organization with respect to caribou protection measures may be cited as an example of regional consultation that is responsive to local concerns. The meetings, although sponsored by DIAND, involve government, industry and community representatives in the establishment of protective measures for the comining exploration season. This approach is responsive to the actual appearance of caribou. The success of this consultation process may provide the basis for consultation on other matters in the future.

In brief, formal local powers under the present system are restricted with respect to activities related to exploration and development. Such influence that the community has is informal and involves consultation primarily.

4. FUTURE RELEVANCE FOR EASTERN ARCTIC STUDY

As a specific instance of industry/community/government interaction concerning industrial development, the Baker Lake case study is relevant to the Eastern Arctic Study. The features of the case that are of particular interest may be briefly outlined.

The case is particularly instructive with respect to the distinctive characteristics and effects of exploration activities on a community. The uncertainty attached to exploration and the different problems it presents for community/industry relations were clearly demonstrated in the Baker Lake context. The case raises questions related to processes and mechanisms that might be introduced during the exploration stage to minimize conflict between interested parties, to accommodate the concerns of the community, industry and government, and to promote maximum benefits with the least disruption for all. Given the frequency and scale of exploration activities that are anticipated in the NWT in the future, careful consideration of these matters is essential.

An ancillary issue that is raised by the Baker Lake case and which merits further examination by the Eastern Arctic Study is the impact on a community when exploration activity, which may have occurred over a period of years and which created certain socio-economic expectations and dependencies, suddenly ceases and no development occurs. Although this eventuality has not as yet arisen in the Baker Lake area, the mere possibility requires that it be seriously considered. For example, is it possible to develop means of cushioning the effects on a community of a cessation in exploration activities - or even of significant fluctuation in activities? If the answer to this question is in the affirmative, should industry or government take the lead in doing so?

With respect to issues related to exploration, it may also be instructive to compare and contrast the Baker Lake case with the case being prepared on the Beaufort Sea. Despite the obvious differences in scale of exploration, number of communities involved, the immediate economic spinoffs and so on, consideration of the two cases may be useful. For example, examination of the different approaches of companies to community consultation would be of interest. Similarly, consideration of the divergent emphasis given to the establishment of formal mechanisms for dealing with community concerns and community impact of exploration might be helpful in identifying alternative arrangements.

Another matter relevant to the questions to be considered by the Eastern Arctic Study is that of local power and influence. The case demonstrates the substan-

tial limitations on the authority of local institutions with respect to land use and related matters both within and without community boundaries. The absence of a formal and influential role with some authority led to frustration and antagonism. The case illustrates the need to develop ways in which local interests and concerns can not only be expressed but can be mediated with industry and senior levels of government. Whether the local council, a regional council, special-purpose committees, or advisory bodies are the most appropriate agents for promoting local interests is also a question of interest.

The example presented in the Baker Lake context of the annual caribou protection measures meeting provides one example of a consultative mechanism that appears to be functioning to the satisfaction of all parties involved. It may prove to be a model for further tri-partite consultation on an area-wide basis.

A central theme running through the Baker Lake case study is the absence of a formal and productive process of consultation among the three interested parties: the community of Baker Lake, the various exploration companies, and government, particularly the federal government. The chronology reveals the inevitable results of this situation: continuous frustration on the part of the community in acquiring information about present and proposed exploration activities; intermittent efforts by the senior levels of government to provide information and to act as mediator between Baker Lake and exploration companies; inconsistent, and at times minimal, attempts by industry representatives to discuss their activities with the community; irritation on the part of industry when its activities were impeded or suspended; and the development of an overwhelming conviction among Baker Lake residents that they had no influence over exploration activities in the vicinity of the community. All of this occurred, moreover, in the context of the land use regulation regime which was put forward as the primary mechanism for the management of industry/community relations. No other avenues for consultation and accommodation appear to have been explored.

The issue of consultation clearly raises significant questions. First and foremost, consultation can be interpreted to include a range of activities extending from participation in decision-making, to discussions on substantive matters with reasonable hope of influencing outcomes, to mere information-sharing.

The events of the Baker Lake case suggest that the federal government and industry both characterized consultation as falling at the latter end of the spectrum, i.e. essentially a matter of conveying information. The residents of Baker Lake, on the other hand, had expectations that consultation included involvement in the early stages of decision-making. It may be posited, moreover,

that the federal government and industry, in carrying out what they considered to be their consultation activities, not only failed to meet the expectations of the community in the larger sense but also failed to provide the type of information in sufficient quantities that would have served to minimize uncertainty and mitigate the growing controversy.

The possible forms that community/industry/government consultation may take are as varied as the concumstances that give rise to them. These will be considered in depth in future publications of the Eastern Arctic Study. Suffice it to say here that consultation, if it is to have meaning for the parties involved, needs to be both imaginative and flexible in design and tailored to the particular needs and characteristics of the individuals and groups it is intended to serve. For example, if information provision is one component of a consultation program, the information will be useless if it is not presented in a language and in a format that is relevant to its recipients. Similarly there seems little to be gained, and indeed much to be lost, in conducting extended discussions with communities if their views are not given serious consideration at the varying stages of decision-making.

Consideration of processes of consultation also raises the question of who should most appropriately bear the major burden for initiating and promoting consultation with communities affected by exploration and industrial development. Should industry or government be expected to take the lead? Are the interests of government and industry preclusive of significant cooperation and thus more suited to an at-arms'-length approach? What are the implications for a community? Might the interest of a community be better served by dealing more extensively and directly with industry than by dealing with industry through the auspices of the federal and/or territorial governments?

This raises the more specific question of the role of senior levels of government, specifically the federal government, in mediating the interests of industry and communities. As has been suggested earlier, both the community and industry during the mid to late 1970s looked to the federal government to defend their interests, with little result. The federal government held out the Territorial Land Use Regulations as a framework for resolving conflict and establishing viable community/industry relations. Neither result occurred. Rather, industry and the community appear to be in the process of establishing other forums and methods of accommodation. The extent to which the federal government could or should influence this relationship is a question meriting consideration when alternatives are raised in subsequent Eastern Arctic Study publications.

APPENDIX I

BAKER LAKE CASE STUDY: CHRONOLOGY

This chronology does not purport to document all activities related to exploration in the Baker Lake area. Rather, it attempts to note major activities and to demonstrate the pattern of events during the period from 1965 to the present.

1965 — The federal government's policy paper, 'A Territorial Roads Policy for the Future' encouraged mineral exploration when it argued that 'mineral and oil potential offers the only realistic chance to the North to become economically independent during the next ten to twenty years'. This led to the extension of fiscal and infrastructure incentives to industry by the federal government and the resultant increase in exploration in the Baker Lake area.

1968 — Pan Ocean (then called Dynamic Group) began airborne surveys in the Baker Lake area concentrating on the Kazan River area 60 miles southeast of the community of Baker Lake.

1969 — Discovery of the Rabbit Lake uranium deposit in Saskatchewan's Athabasca basin caused geologists to flock to similar formations elsewhere, including the Thelon basin in the Keewatin. Mining company activities included geological reconnaissance, geochemical sampling and geophysical surveying. Considerable amounts of land were staked subsequently near Baker Lake but no discoveries were recorded. Aquitane (at Amer Lake) and Uranerz were said to be active in the northern part of the district. During this summer Pan Ocean (Dynamic Group) drilled the Kazan River (later named TK) deposit.

During this season the activities associated with exploration for minerals became a major subject for concern in the community of Baker Lake.

1970 — Pan Ocean (Dynamic) undertook more drilling at the TK deposit located at a sensitive caribou crossing area where hunting was easy. Reserves of 10 million pounds of uranium were confirmed and a target of 30 million established. There were no formal contacts made with the community by Pan Ocean during these early years, although informal contacts were considered highly effective.

Spokesmen for Urangesellschaft said that they expected UG soon to be in a position to open a mine with an entirely new self-contained community around it in the Baker Lake area.

Community concerns regarding exploration activites were brought into the discussion of aboriginal rights taking place

	at the national level. The major concern of the people of Baker Lake was interference with hunting, fishing and trapping.
1971	The Territorial Land Use Regulations were promulgated in the NWT but were not fully applied in the Keewatin. Although land use permits were not required, Part I of the regulations did apply, and regulated activities such as water crossings, excavations, clearing of land, establishment of camps, and removal of buildings and equipment.
1972	Pan Ocean was created and acquired a considerable amount of property including the TK deposit. Pan Ocean established individual contacts in Baker Lake for the purpose of hiring. In subsequent years, Inuit from both Baker Lake and Eskimo Point were employed.
1972-1973	Pan Ocean and Urangesellschaft were said to be active south of Baker Lake and near Dubawnt Lake while Cominco was reported active near Sissons Lake.
January 26, 1973	Letter from Chairman, Settlement Council of Baker Lake to Stewart Hodgson, Commission of the Northwest Territories (copies to: Hon. J. Chretien, Minister of DIAND, Wally Firth, M.P. and Tagak Curley of ITC). The letter requested GNWT assistance in determining which companies had been granted exploration permits for the Baker Lake area. The reason for desiring this information was the anticipated effect of exploration activities on caribou. The letter affirmed that the Settlement Council in passing a resolution in support of sending the letter 'is convinced that such exploration has already in the past prevented the caribou using their traditional migration routes in this area'.
February 14, 1973	Letter from Regional Director DIAND to Director of Local Government GNWT indicating that the department intended 'to keep settlements more closely informed of resource development activities in their neighbourhoods'.
February 25, 1973	Regional director, DIAND, visited Baker Lake to discuss problems and additional steps that might be takent o keep people informed.
February 27, 1973	Letter from J. Chretien, Minister DIAND, to Chairman, Baker Lake Settlement Council, replying to his letter of January 26, 1973. The letter referred to two ways of informing the local population about development. The first method was the publication of a bulletin titled 'Dialogue North' containing information on planned resource development activities in the Keewatin and Eastern Arctic regions. The second method was the visit of Regional Director, DIAND, to Baker Lake (see above, February 25, 1973). The letter concludes with the assurance of the government of Canada that it would proceed with mineral resource development in a way which demonstrated due concern with possible environmental and social impact.

April 18, 1973	Letter from Chairman, Settlement Council of Baker Lake to Regional Director, DIAND, expressing concerns about apparent preparations being undertaken in Baker Lake in anticipation of the upcoming exploration season. The major source of concern was the flying in of fuel to Baker Lake for storage and the further transport of some of that fuel inland.
May 3, 1973	Letter to Chairman, Baker Lake Settlement Council, from Acting Regional Director, DIAND, on behalf of the Regional Director, DIAND. The contents of this letter attempted to reassure the community of Baker Lake that DIAND understood the community's concern about possible effects of mineral exploration on game. Enclosed was an advance copy of 'Dialogue North' for 1973. The letter indicated that the publication suggested only very limited exploration activities in the Baker Lake area in the summer of 1973. The letter conluded with an invitation that the community should feel free to contact either the Regional Director at Yellowknife or a DIAND employee, who would be in Rankin Inlet for the summer. It was considered to be particularly important that the Chairman of the Baker Lake Settlement Council contact either of these individuals if he should feel that a conflict was developing between an exploration company and the community of Baker Lake.
January 17, 1974	Letter to Chairman, Baker Lake Settlement Council, from Regional Director, DIAND, indicating his plans to visit Baker Lake on March 6, 1974 to discuss resource development activities in the Baker Lake area. The Regional Director indicated that prior to his visit he would like the settlement council to write to him stating the questions which the people of the community would like answered or the topics which they would like to discuss on his visit. He planned to be accompanied by several other officials of DIAND.
March, 1974	DIAND notified the residents of Baker Lake that mineral exploration activities had been scheduled that summer for the Baker Lake area.
April 11, 1974	Letter to Settlement Manager, Baker Lake from the Executive Assistant to the Regional Director, DIAND, responding to a series of information requests made by the Settlement Manager concerning development in general and claims and exploration activity specifically in the Baker Lake area.
April, 1974	The Settlement Council of Baker Lake sent a formal complaint and petition to the federal and territorial governments asking for a freeze on new mining activities. This petition, which was signed by 300 Baker Lake residents, protested the lack of prior consultation about proposed industrial activity and asserted that exploration activities could be acceptable to the community only after land claims settlements were made, and then only if Baker Lake residents approved the proposed activity.

April, 1974	Baker Lake Settlement Council expressed concern that the District of Keewatin was not subject to the Territorial Lands Act and hence did not come under the provisions of the Territorial Land Use Regulations.
April 22, 1974	Letter from DIAND, Yellowknife, to Settlement Manager, Baker Lake. This letter related DIAND's efforts to inform companies active in the Baker Lake area of the community's concern. The letter also indicated that companies had been urged by DIAND to put themselves in touch with the Canadian Wildlife Service. The letter also included names of people in mining companies whom the community might contact to discuss its concerns.
April, 1974	The federal government turned down the request of the community of Baker Lake for a land freeze.
June, 1974	DIAND informed the Settlement Council of Baker Lake that the Keewatin District, and thus the area surrounding Baker Lake, would be incorporated into the new regulatory scheme by the 1st of January, 1975. It was indicated that the lengthy consultative process for amending the Territorial Lands Act would involve governments, native groups and industry. DIAND further indicated that under the proposed new regulations advance information about land use permit applications would be made available to local residents and that local residents would be consulted about proposed activities. (It should be noted that although ITC was subsequently consulted during this amendment process, the Settlement Council of Baker Lake was not).
Spring, 1974	Following the federal government's rejection of their land freeze petition, the people of Baker Lake approached Inuit Tapirisat of Canada, seeking its assistance in furthering their interests.
1975	An increase in uranium prices during this period, together with the discovery of the Key Lake deposit in Saskatchewan, caused another exploration rush to the Keewatin. Pan Ocean was said to be the first company to become active at this time, focusing on an area southeast of Baker Lake.
February 13, 1975	Telex from Chairman, Settlement Council of Baker Lake, to Judd Buchanan, Minister of DIAND. The telex requested a meeting with Buchanan as the new Minister of DIAND in order to determine how he would react to various commitments made by his predecessor in June, 1974. These commitments included the incorporation of the Keewatin into the existing land use regulatory scheme by January, 1975. Chretien had also indicated that he would speak with companies about working conditions for Inuit and that he would ensure full consultation at the settlement level on issues related to exploration.

February 24, 1975 — Telex to Chairman, Baker Lake Settlement Council, from Judd Buchanan, Minister of DIAND. This reply to the previous telex referred to the changes in territorial land use regulations which were then under discussion with the Territorial Council, native groups and industry. The telex indicated that changes in the land use regulations would occur over several months and in the meantime Baker Lake would be kept informed by the Regional Director of DIAND in Yellowknife. It was further indicated that the Regional Director would be meeting with the Baker Lake Council in March 1975 to discuss exploration activities in the Baker Lake area for the coming year.

March 3, 1975 — Letter from the Regional Director of DIAND in Yellowknife to Stuart Hodgson, Commissioner of the NWT. This letter reviewed the concerns expressed by representatives of communities in the Keewatin when the Regional Director visited that area in order to explain proposed mineral exploration and survey activities for the summer of 1975.

March 19, 1975 — Telex from Chairman of the Baker Lake Settlement Council to Judd Buchanan, Minister of DIAND. After learning that it had been overlooked during the preparation and review of proposed new land use regulations, the Baker Lake Settlement Council advised DIAND that it could not accept delays while changes were made to the land use regulations and accordingly it requested an immediate freeze on all exploration activities in the Baker Lake area until such time as the new regulations were made official.

March 24, 1975 — Having received no reply to its land freeze request, the Settlement Council of Baker Lake resolved to contact is Member of Parliament and ITC in Ottawa.

April 1, 1975 — The Baker Lake Settlement Council issued a press release describing its concerns related to development activities and chronicling its frustrations with DIAND over the existing land use regime.

April 7, 1975 — Telex from the Minister of DIAND to the Chairman of the Baker Lake Settlement Council in response to the March 19 1975 telex from the Chairman. The Minister indicated that it was impossible to place a freeze on the Baker Lake area land because mining companies have existing legal rights to carry out exploration activities and these rights cannot be withheld retroactively. The Minister indicated that exploration companies were encouraged by the Department of Indian Affairs and Northern Development to conduct their operations within the spirit of the Territorial Land Use Regulations.

June 2, 1975 — The Baker Lake Settlement Council formally asked ITC to prepare the necessary documentation for obtaining a land freeze for the Baker Lake area.

June 10, 1975	Letter from Regional Superintendent, National Wildlife and Fisheries Service to the Settlement Council of Baker Lake notifying it that a department liaison officer would be stationed in Rankin during the summer of 1975 and would have responsibility for the area of Baker Lake.
June 24, 1975	ITC presented a formal proposal for a land freeze in the Baker Lake area to the federal government on behalf of the Settlement of Baker Lake. The proposal outlined the settlement's concerns, especially with respect to the effects of aircraft on caribou and emphasized the cultural vaue attached to the land in the minds of the people of Baker Lake. The proposal requested a freeze on six areas pending a formal land claim settlement.
Summer, 1975	Cominco proposed to establish its first camp in the Baker Lake area. Accordingly, a senior official of Cominco voluntarily visited with the Baker Lake Settlement Council to discuss his company's plans. He was told that the settlement was not interested in development of any kind. His offer to conduct a flying tour of the proposed campsite was not taken up despite an initial acceptance by the Council and apparent support by the then Secretary-Manager.
Summer, 1975	Essex Minerals had its first involvement in the Baker Lake area. In this and in subsequent years, Essex had no direct contact with the Baker Lake Settlement Council and as little as possible with the community except for use of airport facilities. Some hiring of local Inuit for casual labour was undertaken by a local expediter who acted for Essex Minerals.
July 14, 1975	DIAND Liaison Officer in Rankin Inlet reported to his superior that he had met with and informed the Baker Lake Settlement Council of his visit to the surrounding exploration camps and had offered to take a representative of the Council on his inspection of these camps.
August 13, 1975	Minister of DIAND formally informed ITC that its land freeze proposal for the Baker Lake area had been rejected, citing again the department's philosophy that controlled industrial activity could proceed without excessive environmental damage. The Minister also stated that the Keewatin would be incorporated into the area under the Territorial Lands Act by October 1975 and that an adequate framework for dealing with the communities concerned would then be in place.
Autumn, 1975	A DIAND representative visited Keewatin communities to introduce the Territorial Land Use Regulations, finding that Inuit were predominantly concerned with the lack of information available to them.
November, 1975	The Territorial Land Use Regulations were extended to cover the Keewatin District.

1976	The communities of the Keewatin, including Baker Lake, tended during this period to review land use applications and to say 'no' to them in an attempt to stop development. Since DIAND had different ideas about the purposes of these permits, a certain amount of animosity developed.
Jan. 19-23, 1976	DIAND's Land Use Administrator in the Keewatin met with the Baker Lake Settlement Council and the Hunters and Trappers Association of Baker Lake to discuss issues related to land use applications and land use regulations.
March, 1976	DIAND approved 68 applications for prospecting permits in the NWT including several within the proposed Baker Lake freeze zone. ITC immediately expressed its lack of confidence in the Minister of DIAND, charging lack of consultation and concern for the northern people. In response, the Minister reasserted his faith in the permit review process and later confirmed that exploration would be allowed to continue.
April 30, 1976	A meeting was held involving Regional Director, DIAND, and other representatives of DIAND with the Baker Lake Settlement Council and the HTA. The purpose of the meeting was to discuss exploration activities projected for the Baker Lake area in the summer of 1976. Ongoing community concerns related to the location of company camps, caribou and low-flying aircraft.
Summer, 1976	Essex Minerals conducted an aerial survey in the Baker Lake area and staked its first claim 70 miles northwest of Baker Lake near Schultz Lake. Pan Ocean optioned its TK property to Cominco. Pan Ocean also acquired a 100-percent interest in the LGT deposit located 140 miles southwest of Baker Lake in an area not affected by caribou migration. Westmin (formerly Western Mines) became involved in the Baker Lake area carrying out reconnaisance and survey work during this exploration season. Westmin practised a policy of avoiding the community of Baker Lake as much as possible. It had no contact either with the council or with the HTA and relied on a local expediter to handle transshipment of supplies and contacts with community leaders.
January, 1977	Publication of Baker Lake, N.W.T., A Background Report of Its Social and Economic Development, undertaken for the Settlement Council of Baker Lake and the Polar Gas Project and funded by the Polar Gas Project. The survey was undertaken in order to provide part of the background against which the planning of a natural gas pipeline from the high Arctic gas fields to southern markets might be considered.
February, 1977	DIAND indicated in an internal communication that new prospecting permits would soon be issued but suggested that

	departmental review should be made of permit areas relative to current Inuit land use in biologically sensitive areas. It was also suggested that ITC be informed of DIAND's criteria for issuing prospecting permits. Both ITC and the Baker Lake Settlement Countil again called for a freeze, rejecting the permit review process as an adequate means of controlling environmental damage, particularly the harassment of caribou.
March, 1977	The Territorial Land Use Regulations were revised so that all but minor uses of land became subject to land use permits.
March 25, 1977	The Minister of DIAND, Warren Allmand, imposed a temporary halt on land use activities in a 78,000 sq. km area around Baker Lake by instructing that all land use permit applications for operations in the area be rejected. Three current land use permits were unaffected, but three prospecting and four land use permit applications (including two by federal government agencies) were affected. The halt on issuance of land use permits was to last until 1 March 1978, during which time a study would be undertaken of the effects of exploration activity on hunting and trapping and, in a later enlargement of the terms of reference, on fishing. Prospecting permits for other areas of the NWT would continue to be issued, with exploration subject to the land use permit system. DIAND again expressed its faith in the ability of the permit review process to bring about awareness of local concerns. DIAND continued to reject a total freeze while land claims were being negotiated, although they remained committed to reviewing and considering requests and concerns of specific communities on their individual merits.
March 30, 1977	Telex sent from Minister of DIAND to Chairman, Baker Lake Council announcing that all unclaimed land within the area of the moratorium was going to be withdrawn until March 1, 1978.
April 1, 1977	Baker Lake was elevated from a settlement to a hamlet.
May 5, 1977	Letter from Regional Director, DIAND, to Chairman, Settlement Council of Baker Lake, with respect to the sighting of an aircraft apparently prospecting in the land freeze area.
May, 1977	DIAND appointed a full-time representative to be stationed in Rankin Inlet to inspect companies under land use permits within the District of Keewatin.
June, 1977	DIAND sent a representative to work out of Baker Lake for the summer months of 1977 in order to monitor land use permits around the Baker Lake area.
Summer, 1977	Representatives from Interdisciplinary Systems Ltd. were present in the Baker Lake area during the summer months in order to conduct the consultant's study referred to above.

Essex Minerals was prevented from working its claim due to the land freeze.

Since the TK deposit was located in a sensitive zone, it is unlikely that Cominco was able to conduct any work on it.

Westmin continued to undertake aerial and ground prospecting in the Baker Lake area, using a crew of some 20 individuals, but including no Inuit. Westmin continued to be supplied from La Ronge in northern Saskatchewan.

During this period Westmin and other companies circumvented the land freeze to some extent by keeping individual operations so small that a land use permit was not required.

December, 1977 — Polar Gas made initial filings to the National Energy Board pursuant to an application to construct a pipeline to transport natural gas from the Arctic Islands to southern markets. The proposed routing was west of Baker Lake. (Note: Since then, a new route has been selected and this application withdrawn.)

February 10, 1978 — A meeting of representatives of industry and the Northwest Territories Chamber of Mines was held with Interdisciplinary Systems Ltd., the consulting firm which undertook the study of the impact on caribou of mineral exploration and development. The draft IDS report was reviewed in detail at this meeting. Among other things, it was suggested that Baker Lake residents' concerns were more perceived than realistic. Nevertheless they could lead to serious problems if not handled carefully. For example, Inuit felt that caribou had avoided the Kazan Falls crossing in 1976 because of the Cominco camp located there; IDS on the other hand thought that the reason could be a normal variation of migration patterns. IDS felt that Baker Lake residents were not against development per se but were worried about what could be seen to be very legitimate interests. Among other things, IDS recommended that more information be provided by companies along with more direct employment and service contracts.

February 26, 1978 — The Interdisciplinary Systems report was issued. This sparked renewed controversy over the causes of herd depletion.

March 20, 1978 — A meeting was held involving the Regional Director of DIAND and the Settlement Council of Baker Lake to discuss the IDS report.

March 23, 1978 — The period during which permit applications would be suspended was extended to April 2 in order to allow time to assess the consultant's report and to permit the hamlet of Baker Lake to apply for an injunction prohibiting the issuance of permits.

April 7, 1978	A meeting took place between the Minister of DIAND and the Baker Lake council. The hamlet's request that the freeze be extended was rejected, although some additional controls designed to protect the caribou were introduced subsequently.
April 24, 1978	A temporary injunction was granted by the Federal Court prohibiting the issuance of land use permits unless subject to special restrictions. Thus the Inuit of Baker Lake obtained a temporary injunction prohibiting the Minister from allowing mineral exploration within defined caribou herding grounds, calving grounds, and water-crossing areas.
Summer, 1978	Exploration activity was somewhat limited because of the short working season and because of certain conditions placed on exploration activities.
	Essex Minerals continued prospecting and assessment work at Schultz Lake (an area of post-calving aggregation). Another of Essex Minerals' claims was near a caribou crossing and no work was possible.
	Pan Ocean recovered the rights to the TK deposit from Cominco. Pan Ocean made its first formal contact with the Baker Lake Council and with the Hunters and Trappers Association of Baker Lake. This initial contact was considered more successful than a subsequent meeting with representatives from ITC.
	Westmin was unable to get into the field before the 1st of August and hence was only able to do enough work to satisfy the permit assessment requirements. Westmin also made its first formal contact with the Baker Lake Council in order to provide it with information about the company's activities. Representatives from Westmin also met in Ottawa with senior members of ITC, a meeting that was reported to be characterized by mutual suspicion.
Autumn, 1978	During this period various manoeuverings with respect to the anticipated court case were undertaken, with all sides attempting to define their positions and prepare their evidence.
January, 1979	Westmin encountered objections and harassment from the Baker Lake Hamlet Council when an attempt was made to move 325 fuel drums into the camp area. Although the company feared further difficulties later that season, none occurred.
February-March 1979	Essex Minerals experienced a dispute with the Baker Lake community over the movement of fuel on the ice in Baker Lake. An understanding was reached and there has been no trouble since.
March 28, 1979	A meeting occurred between officials of DIAND and 16 mining company representatives. The purpose of the meeting was to

	discuss possible DIAND response to five Inuit demands with respect to land use control near Baker Lake. DIAND suggested that it should comply with three of these requests and agree in part to a request for a protective zone around caribou crossing areas. The industry reaction was negative, particularly with respect to any protective zone that would infringe on existing rights.
Spring, 1979	The suggestion was put forward that a Baker Lake Land Use Advisory Committee be established.
	The case with respect to the injunction in Baker Lake was heard before the Federal Court beginning in April.
Summer, 1979	Essex Minerals continued mapping and prospecting and did some diamond drilling.
	Pan Ocean undertook a drilling program on the TK property and on the LGT property, the latter being more successful. Pan Ocean also undertook some work on the YA property of Noranda, located near the LGT deposit.
	Westmin carried out an airborne survey only.
November, 1979	The judgment of the Federal Court was handed down and the injunction in the Baker Lake area lifted.
Winter, 1980	The first of what have become annual meetings involving industry, government and community representatives to discuss caribou protection measures was held in Baker Lake. The objective of the meeting was to reach agreement with respect to matters related to exploration activities and caribou herd management for the coming season.
March-May, 1980	Essex Minerals conducted diamond drilling.
July, 1980	Essex Minerals concluded that there was not a viable uranium occurrence on its property and abandoned drilling. It has not been active in the Baker Lake area since.
Summer, 1980	Pan Ocean undertook a drilling program on its TK property with little success.
	Westmin carried out extensive exploration and undertook its first drilling program. Westmin continued to be supplied from La Ronge but did hire several Inuit employees during this season.
Winter, 1981	Second Caribou Protection Measures meeting held in Baker Lake.
Summer, 1981	Pan Ocean planned to concentrate on surface work and geological testing at its TK deposit and to conduct minimal amounts of drilling. Pan Ocean has noted that Inuit labour from

Eskimo Point is harder to obtain now due to the development at Cullaton Lake.

Westmin planned to continue its 1980 exploration program and to employ several Inuit during its 1981 season.

APPENDIX II

LIST OF INTERVIEW RESPONDENTS

Robert ARMSTRONG, Senior Geologist, Exploration, Cominco, Toronto

Tagak CURLEY, President, Inuit Development Corporation, Rankin Inlet

Peter ERNERK, Regional Superintendent, Renewable Resources, GNWT, Rankin Inlet (also present: Dr. Cormack BATES, Senior Biologist)

Edward FERRIS, Operations Manager, Urangesellschaft, Baker Lake (also present: Hugh SHOE, Expeditor)

Jim GAUNT, Exploration Department, Essex Minerals, Toronto

Bob GOUDIE, Office of Native Claims, DIAND, Ottawa

Olav LOKEN, Director, Northern & Environmental Protection Branch, DIAND, Ottawa

Rod MACDONALD, Exploration Manager, Cominco, Toronto

Ron MACMILLAN, Geologist, Westmin Resources, Toronto

Bob MACPHERSON, Senior Geologist, Pan Ocean Oil Ltd., Calgary

Bruce MCKNIGHT, Manager, Corporate Planning and Development, Westmin Resources, Vancouver

William NOAH, Mayor, Hamlet of Baker Lake, Baker Lake (also present: Robert SEETEENAK, Acting Secretary-Manager)

Dave NUTTER, Manager, Administrative Services, Pan Ocean Oil Ltd., Calgary

Ernie NUTTER, Exploration Geologist, Westmin Resources, Toronto

Bruce PARTRIDGE, Managing Solicitor, Cominco Ltd., Vancouver

Jack PATTERSON, B.C. and Yukon Chamber of Mines, Vancouver

Joan SCOTTIE, Land Use Inspector and Assistant District Manager, DIAND, Baker Lake

Gary SMITH, (telephone conversation) Winnipeg, formerly of Baker Lake

Art SOREGAROLI, V.P. Exploration Mining Division, Westmin Resources Ltd., Vancouver

Robert STERLING, Chief, Employment and Socio-Economic Planning Division, DIAND, Ottawa

Mike STILWELL, Regional Director, Keewatin District, GNWT, Rankin Inlet

Jim UMPERSON, District Manager, Keewatin Region, DIAND, Rankin Inlet

Harry WOODWARD, Director, Non-Renewable Resources, DIAND, Ottawa

Gordon WRAY, General Manager, Sigyamiut Ltd., Baker Lake

Baker Lake Hamlet Council

APPENDIX III

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The Centre was established in 1973, under the sponsorship of Queen's University, the federal Department of Energy, Mines and Resources, and The Mining Association of Canada, to carry out a program of research and publication on mineral policy issues. Mineral resources considered by the Centre include metallic, industrial and non-metallic, and structural minerals, but exclude petroleum and natural gas.

The Centre provides opportunities for multidisciplinary research in resource studies at Canadian universities, furnishes reliable information on matters related to mineral resource policy, and promotes closer liaison between government, industry and other concerned groups. The Centre's publications employ non-technical language, so far as the subject allows, to enhance their value to non-specialists. The main research program is carried out both at the Centre and by means of contracts with qualified investigators, usually at Canadian universities, while small exploratory studies are funded through a system of grants-in-aid of research. CRS Policy Discussion Seminars involve representatives from governments, industry, universities, labour, and other interested groups in constructive working sessions on issues of current concern. Seminars are held three or four times each year. Through these programs, and the resulting publications, the Centre hopes to contribute to informed discussion of the issues.

The Centre is governed by a board of directors which decides general policy and establishes priorities for research. The board has sixteen members, appointed by Queen's University, The Mining Association of Canada, and the federal government. Guidance on the research program, together with discussion of policy issues and other matters, is provided by the Advisory Council. This body comprises all researchers associated with the Centre, together with members appointed from such groups as governments, industry, labour, and consumers. Committees of specialists aid in the development of projects and the selection of research proposals, and advise on the progress of the research. The executive director and staff are responsible for the work of the Centre within this framework.

The Centre welcomes comments on its publications, proposals for research projects or for publication, or enquiries about any aspect of its work.

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EASTERN ARCTIC STUDY

The Centre for Resource Studies and the Institute of Local Government, both of Queen's University in Kingston, Ontario, are undertaking a study of the ways in which the land claim of the Inuit Tapirisat of Canada (ITC) may affect local government and mineral development in the Northwest Territories (NWT). Financial support for the study is being provided by an independent agency, the Donner Canadian Foundation. Advisory support is being provided by the ITC, the the federal government, the Government of the Northwest Territories, and many other agencies, companies and interested groups.

The objectives of the Eastern Arctic Study include the following:

1. to study the potential impact of the settlement of ITC land claims, and of constitutional development in the NWT, on local government in the ITC area;

2. to study the potential impact of these changes on mineral development (including both petroleum and mining) in the ITC claim area.

3. to present the results of this research in a manner which will permit its use by northerners and other interested parties to anticipate possible difficulties and mitigate their effects.

Local government is extremely important to the residents of the Northwest Territories, because local councils and committees provide services that are basic to everyday needs. In addition, a community's local government can often act as the interpreter and advocate of peoples' interests and needs.

We expect the land claim negotiations to result in two related outcomes.

i Local governments will be given increased responsibilities in the land claim area. Some changes are already in progress, chiefly through the initiative of the communities themselves and of the Government of the Northwest Territories. ITC also supports stong local government. The phrase 'local government' refers to any governing authority established below the territorial level. It could include, for example, regional governments as well as hamlet or settlement councils and their committees.

ii There will be a significant increase in the degree of influence exerted by local governments, and by native institutions such as development corporations and cooperatives, on resource planning and the mineral development process.

Thus we expect the settlement of claims to affect significantly the climate for mineral development in the NWT. Native people will have strengthened local governments and an expanded role in planning the nature and direction of resource development.

The possibilities for mineral development in the ITC claim area are substantial, and the future of resource development in this region has implications for the welfare of all northerners, and for all Canada. It is therefore important that all parties to the negotiating process understand the possible consequences of their decisions and actions. The purpose of this study is to contribute to that understanding.

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